

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:04cv162**

BARBARA COLLINGSWORTH,

Plaintiff,

Vs.

COATS AMERICAN, INC.,

Defendant.

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ORDER

THIS MATTER is before the court on C. Frank Goldsmith, Jr.'s Motion to Withdraw as Counsel. In addition, it appears that a Motion to Compel has been filed by defendant, inasmuch as plaintiff has failed to answer discovery. Having considered C. Frank Goldsmith, Jr.'s motion and reviewed the pleadings, and it appearing that plaintiff has frustrated the attorney-client relationship and that she has failed to cooperate with her counsel and that Mr. Goldsmith has fully complied with his ethical obligations both to his client and to this court in first attempting to resolve such problems, the court will allow Mr. Goldsmith to withdraw. It further appearing that plaintiff has patently failed to provide discovery despite extensions from the court, the Motion to Compel will also be granted.

ORDER

IT IS, THEREFORE, ORDERED that C. Frank Goldsmith, Jr.'s Motion to Withdraw as Counsel is **GRANTED**, and Mr. Goldsmith is **RELIEVED** of further representation of plaintiff in this matter.

IT IS FURTHER ORDERED that plaintiff fully answer defendant's First Set of Interrogatories and Requests for Production of Documents not later than June 3, 2005.

Failure to fully comply with this Order may result in an involuntary dismissal of this action for failure to prosecute.

PLAINTIFF IS CAUTIONED that she is now proceeding without the assistance of counsel, and that it appears that she has abandoned this litigation. She is advised that there are outstanding discovery requests that must be answered and that failing such this action will likely to be dismissed with prejudice. She is further advised to seek the assistance of counsel.

Mr. Goldsmith is respectfully requested to send a copy of this Order via certified mail to plaintiff as an officer of this court and inform the Clerk of this court of the last known mailing address of the plaintiff.

Signed: May 23, 2005

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

